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EXAMINER

HOSSAIN, FARZANA E

ART UNIT

PAPER NUMBER

2623

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/034,222

Applicant(s)

CHERNOCK ET AL.

Examiner

Farzana E. Hossain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to communications filed 04/30/2007. Claims 1-49 are pending. Claims 1-49 have been previously presented.

The status of claims as filed on 12/29/2006: Claims 1, 33-35, 40, 41, 42, 46, 48 and 49 are amended. Claims 2, 3, 5, 6, 8-12, 14, 15, 18-20, 22, 25-27, 29, 30, 37-39, 43 and 45 are original. Claims 4, 7, 13, 16, 17, 21, 23, 24, 28, 31, 32, 36, 44 and 47 are previously presented.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-49 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-4, 12, 28-30, 34, 35, 38, 39 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba et al (US 5,931,908 and hereafter referred to as "Gerba") in view of Noll et al (US 2005/0132295 and hereafter referred to as "Noll").

Regarding Claim 1, Gerba discloses an apparatus (Figure 1, 2) for controlling interactive television offerings over a transaction-enabled (Column 1, lines 34-43, Column 9, lines 11-27) broadcast network (Figure 1, 30, 32), the apparatus comprising:

at least one central system processor (Figure 1, 12) of a multi service operator (MSO) (Column 5, lines 5-8) operative to: (i) receive broadcast content or programming from a content source or remote location (Figure 1, 4); (ii) process the broadcast content (Figure 1, 12, Column 7, lines 11-65); (iii) transmit the processed broadcast content over the network (Figure 1, 22) to a viewer or set top box (STB) (Figure 2, 34); (iv) receive request data or upstream communications over the network from the viewer (Figure 1, 24, Column 9, lines 11-27); and (v) process the request data, wherein the central system processor of a MSO is further operative as a central point of control for the request data (Figure 1, 12, Column 9, lines 11-27) or interactive content contained within the broadcast content (Figure 1, 12, Column 9, lines 11-27); and

memory (Figure 1, 14, 16, 18, 20), operatively coupled to the processor central system processor of a MSO (Figure 1, 12, Column 5, lines 5-8), for storing at least a portion of data related to least one of the receiving, transmitting and processing steps such as the received program is processed with received synchronization data, interface data and overlay sets which are stored in the memory (Figures 1, 2, 3a: 215, Column 9, lines 51-55) or storing the processed program (Figure 1, 20) or storing

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transaction data in the databases (Figure 1, 26). Gerba is silent on the central system processor collects information about viewer transactions for commerce purposes.

In analogous art, Noll discloses an apparatus for controlling interactive television offerings over a transaction enabled broadcast or system operator with a central system or network operations center (NOC) or local processor collects information about viewer transactions for commerce purposes as the NOC processes the information (Page 3, paragraphs 0046-0048, Figure 17, Page 9, paragraph 0098, 0099, Page 10, paragraph 0106, 0107, Page 11, paragraph 0117, Page 5-6, paragraphs 0066, 0070, Figure 2a, 36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerba to include network operations center (NOC) or local processor collects information about viewer transactions for commerce purposes (Page 3, paragraphs 0046-0048, Figure 17, Page 9, paragraph 0098, 0099, Page 10, paragraph 0106, 0107, Page 11, paragraph 0117, Page 5-6, paragraphs 0066, 0070, Figure 2a, 36) as taught by Noll for the benefit of targeting advertising and e-commerce material to the user (Page 1, paragraphs 0008, 0002) and for determining account balances and transactional information (Page 9, paragraph 0099) as disclosed by Noll.

Regarding Claim 34, Gerba discloses a retrofittable system for conducting e-commerce (Column 1, lines 34-43, Column 11, lines 7-19) over a transaction-enabled broadcast network (Figure 1, 2, 32), the system comprising: a broadcast receiving device (Figure 2, 34) operatively coupled to the network (Figure 1, 36) and configurable to enable a viewer to interact with an interactive broadcast (Figure 1, 48, 40, Column 9, lines 11-27); and a local MSO operatively coupled to the network (Column 5, lines 5-

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15), the network operator comprising a central system or headend controller or processing unit (Figure 1, 12), the controller operatively configurable to selectively modify or enable the interactive content (Column 7, lines 11-65). Gerba is silent on the central system controller is capable of collecting information about viewer transactions for commerce purposes. In analogous art, Noll discloses an apparatus for controlling interactive television offerings over a transaction enabled broadcast or system operator with a central system or network operations center (NOC) or local processor collects information about viewer transactions for commerce purposes as the NOC processes the information (Page 3, paragraphs 0046-0048, Figure 17, Page 9, paragraph 0098, 0099, Page 10, paragraph 0106, 0107, Page 11, paragraph 0117, Page 5-6, paragraphs 0066, 0070, Figure 2a, 36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerba to include network operations center (NOC) or local processor collects information about viewer transactions for commerce purposes (Page 3, paragraphs 0046-0048, Figure 17, Page 9, paragraph 0098, 0099, Page 10, paragraph 0106, 0107, Page 11, paragraph 0117, Page 5-6, paragraphs 0066, 0070, Figure 2a, 36) as taught by Noll for the benefit of targeting advertising and e-commerce material to the user (Page 1, paragraphs 0008, 0002) and for determining account balances and transactional information (Page 9, paragraph 0099) as disclosed by Noll.

Regarding Claim 35, Gerba discloses a retrofittable system for conducting e-commerce (Column 1, lines 34-43, Column 11, lines 7-19) over a transaction-enabled

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broadcast network (Figure 1, 2, 32), the system comprising: a broadcast receiving device (Figure 2, 34) operatively coupled to the network (Figure 1, 36) and configurable to enable a viewer to interact with an interactive broadcast (Figure 1, 48, 40, Column 9, lines 11-27); and a local MSO operatively coupled to the network (Column 5, lines 5-15), the network operator comprising a central system controller or processing unit (Figure 1, 12), the central system controller operatively configurable to add interactive content to non-interactive broadcast content (Column 7, lines 11-56). Gerba is silent on the central system controller is capable of collecting information about viewer transactions for commerce purposes. In analogous art, Noll discloses an apparatus for controlling interactive television offerings over a transaction enabled broadcast or system operator with a central system or network operations center (NOC) or local processor collects information about viewer transactions for commerce purposes as the NOC processes the information (Page 3, paragraphs 0046-0048, Figure 17, Page 9, paragraph 0098, 0099, Page 10, paragraph 0106, 0107, Page 11, paragraph 0117, Page 5-6, paragraphs 0066, 0070, Figure 2a, 36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerba to include network operations center (NOC) or local processor collects information about viewer transactions for commerce purposes (Page 3, paragraphs 0046-0048, Figure 17, Page 9, paragraph 0098, 0099, Page 10, paragraph 0106, 0107, Page 11, paragraph 0117, Page 5-6, paragraphs 0066, 0070, Figure 2a, 36) as taught by Noll for the benefit of targeting advertising and e-commerce material to the user

(Page 1, paragraphs 0008, 0002) and for determining account balances and transactional information (Page 9, paragraph 0099) as disclosed by Noll.

Regarding Claim 49, Gerba discloses an article of manufacture (Figure 1, 2, 12) for coordinating interactive television offerings over a transaction-enabled (Column 1, lines 34-43, Column 9, lines 11-27) broadcast network (Figure 1, 30, 32), the article comprising a computer readable medium containing one or more computer programs, wherein the computer readable medium comprises at least on central system processor of a MSO (Figure 1, 12, Column 5, lines 5-8) executing (Column 3, lines 64-67, Column 4, lines 1-7) the steps of: receiving broadcast content or programming from a content source or remote location (Figure 1, 4); processing the broadcast content (Figure 1, 12, Column 7, lines 11-65); transmitting the processed broadcast content over the network (Figure 1, 22) to a viewer or set top box (STB) (Figure 2, 34); receiving request data or transaction data over the network from the viewer, the data being transmitted by the viewer in response to the processed broadcast content (Figure 1, 24, Column 9, lines 11-27); and processing the request data (Figure 1, 12, Column 9, lines 11-27). Gerba is silent on collecting information about the transaction for commerce purposes.

In analogous art, Noll discloses an apparatus for controlling interactive television offerings over a transaction enabled broadcast or system operator with a central system or network operations center (NOC) or local processor collects information about viewer transactions for commerce purposes as the NOC processes the information (Page 3, paragraphs 0046-0048, Figure 17, Page 9, paragraph 0098, 0099, Page 10, paragraph



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0106, 0107, Page 11, paragraph 0117, Page 5-6, paragraphs 0066, 0070, Figure 2a, 36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerba to include network operations center (NOC) or local processor collects information about viewer transactions for commerce purposes (Page 3, paragraphs 0046-0048, Figure 17, Page 9, paragraph 0098, 0099, Page 10, paragraph 0106, 0107, Page 11, paragraph 0117, Page 5-6, paragraphs 0066, 0070, Figure 2a, 36) as taught by Noll for the benefit of targeting advertising and e-commerce material to the user (Page 1, paragraphs 0008, 0002) and for determining account balances and transactional information (Page 9, paragraph 0099) as disclosed by Noll.

Regarding Claim 2, Gerba and Noll disclose all the limitations of Claim 1. Noll discloses the broadcast content from a source comprises advertising content (Page 3, paragraph 0048).

Regarding Claim 3, Gerba and Noll disclose all the limitations of Claim 1. Gerba discloses broadcast content from broadcast source comprises program content (Column 6, lines 62-67).

Regarding Claim 4, Gerba and Noll disclose all the limitations of Claim 1. Gerba discloses central system processor of a MSO is further operative to add interactive content to the broadcast content (Figure 1, 12, 14, 16, 18, Column 9, lines 11-15).

Regarding Claim 12, Gerba and Noll discloses all the limitations of Claim 1. Noll discloses broadcast content from broadcast content source comprises interactive content (Page 3, paragraph 0047, Page 5, paragraphs 0067-0068).

Regarding Claim 28, Gerba and Noll disclose all the limitations of Claim 1. Noll disclose the central system processor or components which perform processing of the NOC which includes an operator is further operative to associate a personal identification number (PIN) or user identification number (Page 9, paragraphs 0098-0099, Pages 5-6, paragraphs 0070, 0071, Page 11, paragraph 0112).

Regarding Claim 29, Gerba and Noll disclose all the limitations of Claim 28. Noll discloses a unique personal identification number associated with an individual viewer or the user (Page 9, paragraph 0099).

Regarding Claim 30, Gerba and Noll disclose all the limitations of Claim 28. Noll discloses that the client services server is for a particular user machine or particular broadcast receiving device (Page 9, paragraph 0099).

Regarding claim 38, Gerba and Noll disclose all the limitations of Claim 35. Noll discloses on the broadcast receiving device is operative to filter interactive streams (Pages 5-6, paragraph 0070, Page 8, paragraphs 0086, 0090).

Regarding Claim 39, Gerba and Noll disclose all the limitations of Claim 38. Noll disclose filtering of the interactive content streams is based on the relevance of the interactive contest stream to the viewer (Pages 5-6, paragraph 0070).

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba in view of Noll as applied to claim 4 above, and further in view of Shoff et al (US 6,240,555 and hereafter referred to as "Shoff").

Regarding Claim 5, Gerba and Noll disclose all the limitations of Claim 4. Gerba and Noll are silent on interactive being advertising content. Shoff discloses a headend with storage for supplemental content (Figure 2, 52, Figure 4, 54). Shoff discloses a network operator at the headend adding supplemental content to broadcast content (Column 12, lines 39-47) and the supplemental content can be advertising content including merchandise or advertisements (Column 5, lines 13-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include that supplemental content can be advertising content including merchandise or advertisements (Column 5, lines 13-22) as taught by Shoff in order to provide a user with an interactive viewing experience (Column 1, lines 26-46) as disclosed by Shoff.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba in view of Noll and Shoff as applied to claim 5 above, and further in view of Barton (US 2005/0273828).

Regarding Claim 6, Gerba, Noll and Shoff disclose all the limitations of Claim 5. Shoff discloses adding supplemental interactive content in the form of text or graphics (Column 5, lines 13-22) and adding the supplemental content during programming (Column 12, lines 39-47). Gerba, Noll and Shoff are silent on end of group of commercials. Barton discloses a pod of commercials or a commercial break (Figure 5). Barton discloses that important content of the commercial are placed at the end of the group of commercials (Page 3, paragraph 0037) such as images or messages (Pages

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2-3, paragraphs 0036-0037). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include that important content can be added to the end of a group of commercials (Pages 2-3, paragraphs 0036-0037) as taught by Barton in order to have viewers watch more commercials (Page 1, paragraphs 0002, 0003) as disclosed by Barton.

7. Claims 7-10, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba in view of Noll as applied to claim 1 above, and further in view of Dakss et al (US 6,944,228 and hereafter referred to as "Dakss").

Regarding Claim 7, Gerba and Noll disclose all the limitations of Claim 1. Gerba disclose a central system processor of a MSO (Figure 1, 12, Column 5, lines 5-8). Gerba and Noll are silent on collecting and storing previously broadcast content. Dakss discloses that headend collects or retrieves data and writes or stores data that has been viewed from a previously broadcast content such as marketing data indicating which objects have been viewed or order information (Column 5, lines 44-67). Dakss discloses that the headend has a MSO (Column 4, lines 33-35). It is necessarily included the headend to have a central system processor as the headend is performing the process of collecting and storing. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include that the headend collects or retrieves data and writes or stores data that has been viewed from a previously broadcast content such as marketing data indicating which objects have been viewed or order information (Column 5, lines 44-67) as taught

by Dakss in order to allow viewers to interact with material that appear on television display (Column 1, lines 28-39) as disclosed by Dakss.

Regarding Claim 8, Gerba, Noll and Dakss disclose all the limitations of Claim 7. Dakss disclose that the data is broadcasted and previously broadcasted data can be collected and written to headend database and the data can be advertising data or object data that has been viewed (Column 5, lines 43-67). Note that information included in the original broadcast can be retrieved as requested by the viewer (Column 5, lines 62-67). Annotation data can be advertising content. (See rejections of Claims 7, 9, and 10.)

Regarding Claim 9, Gerba, Noll and Dakss disclose all the limitations of Claim 7. Dakss disclose that the data retrieved and stored can be objects viewed (Column 5, lines 60-62). Note that information included in the original broadcast can be retrieved as requested by the viewer (Column 5, lines 62-67). Annotation data is interactive content and it can be collected and stored at the database. (See rejections of Claims 7, 8, and 10.)

Regarding Claim 10, Gerba, Noll and Dakss disclose all the limitations of Claim 7. Dakss disclose that the data retrieved can be marketing data or order information or is accessible by the viewer in conducting e-commerce (Column 5, lines 60-62).

Regarding Claim 32, Gerba and Noll disclose all the limitations of Claim 1. Gerba and Noll are silent on ship to address of the viewer. Dakss discloses a broadcast content source or authoring tool (Figure 1, 24), which a designer at the authoring tool annotates a video broadcast with objects in a television program (Column 4, lines 43-

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60). The annotations or interactive content can allow viewers to perform transactions such as requesting services or buying a shirt (Column 8, lines 47-67, Column 9, lines 1-10). Dakss discloses the user can set up an account with a broadcaster including a home address or delivery information (Column 10, lines 10-13). Dakss discloses that the headend has a MSO (Column 4, lines 33-35). The broadcaster or headend would necessarily include a central system processor, which can process data for transactions and to store the address as the information is accessed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include broadcaster storing a home address or delivery information (Column 10, lines 10-13) as taught by Dakss in order to allow viewers to interact with material that appear on television display (Column 1, lines 28-39) as disclosed by Dakss and to allow a convenient way to shop.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba in view of Noll as applied to claim 4 above, and further in view of Kay et al (US 6,711,552 and hereafter referred to as "Kay").

Regarding Claim 11, Gerba and discloses all the limitations of Claim 4. Gerba and Noll are silent on the added interactive content specifies local purchasing information. Kay discloses a commerce trans point (CTP) with a head end server and commerce application server (CAS) which supplies programming to TV users and can select products for purchase based on programs or channels being watched (Column 3, lines 57-67, Column 4, lines 1-2). Kay discloses that added interactive content including

local purchasing information or price of product and tax (Figure 5c). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include that added interactive content specifies local purchasing information (Figure 5c) as taught by Kay in order to obtain product information that relate to programming (Column 2, lines 48-63) as disclosed by Kay.

9. Claims 13, 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba in view of Noll as applied to claim 12 above, and further in view of Carver et al (US 2004/0015986 and hereafter referred to as "Carver").

Regarding Claim 13, Gerba, Noll disclose all the limitations of Claim 12. Noll discloses broadcast content comprises interactive content. Gerba and Noll are silent on processor operative to modify the interactive content. Carver discloses the central system processor receiving interactive content (Figure 15, 60) and that the system has a MSO (Figure 3, Page 3, paragraphs 0050, 0051, Page 4, paragraph 0056, Figure 15, 60). Carver discloses the central system processor or IAS (Page 3, paragraph 0051, Figure 15, 50) is operative to modify the interactive content such as replacing segments in the ads or modify the structure of the content (Page 8, paragraphs 0105-0106).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include central system processor of a MSO (Figure 3, Page 3, paragraph 0050, 0051, Page 4, paragraph 0056) operative to modify the interactive content (Page 8, paragraphs 0105-0106) as taught by Carver as

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advertising can provide links to other content and services for the user (Page 2, paragraph 0021) as disclosed by Carver.

Regarding Claim 15, Gerba, Noll, and Carver disclose all the limitations of Claim 13. Carver discloses the services or processors have service manager (Page 4, paragraph 0063). IAS is also a service, which should include a service manager as it is processing and delivering service to the users, thus the service manager is performing modifications.

Regarding Claim 16, Gerba and Noll disclose all the limitations of Claim 12. Gerba and Noll are silent on processor operative to the enabling or disabling interactive content from the source. Carver discloses the processor receiving interactive content from the source (Figure 15, 60) and that the system has a MSO (Figure 3, Page 3, paragraphs 0050, 0051, Page 4, paragraph 0056, Figure 15, 60). Carver discloses the central system processor or IAS (Page 3, paragraph 0051, Figure 15, 50) is operative to modify the interactive content such as replacing segments in the ads or modify the structure of the content (Page 8, paragraphs 0105-0106), which reads on disabling interactive content by replacing older ads and modifying particular ads and enabling newer ads and also by using user preference to modify the content (Page 8, paragraphs 01013-0106). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the central processor of a MSO operative to enable or disable the interactive content (Page 8, paragraphs 01013-0106) as taught by Carver as advertising can provide links to other content and services for the user (Page 2, paragraph 0021) as disclosed by Carver.



10. Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba in view of Noll and Carver as applied to claim 13 above, and further in view of Bruckner et al (US 2005/0015796 and hereafter referred to as "Bruckner").

Regarding Claim 14, Gerba, Noll and Carver disclose all the limitations of Claim 13. Gerba, Noll and Carver are silent on an advertiser performing a modification on the interactive content. Bruckner discloses a system with server comprises processors (Page 3 paragraph 0031), which allows a program to be combined with interactive content (Page 3, paragraph 0032). Bruckner discloses an advertiser performing a modification on the interactive content (Page 6, paragraph 0064). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include an advertiser performing a modification on the interactive content (Page 6, paragraph 0064) as taught by Bruckner in order to provide the most up to date interactive information.

11. Claims 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba in view of Noll as applied to claim 17 above, and further in view of Kenner et al (US 6,421,726 and hereafter referred to as "Kenner").

Regarding Claim 17, Gerba and Noll disclose all the limitations of Claim 1. Gerba discloses the request data comprises a World Wide Web site and the central system processor of a MSO is further operative to redirect the website (Column 9, lines 7-15) via the internet server (Figure 1, 28). Gerba and Noll do not explicitly disclose a

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World Wide Web site comprising a universal resource locator (URL). Kenner discloses that the request data comprises a URL (Column 18, lines 48-65, Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include a URL (Column 6, lines 12-19) as taught by Kenner in order to improve the delivery of web content and link to further content and route to content quickly (Column 3, lines 38-65, Column 4, lines 15-22) as disclosed by Kenner.

Regarding Claim 18, Gerba, Noll and Kenner disclose all the limitations of Claim 17. Kenner discloses a user is requesting web content from sites located in and around the Internet (Column 5, lines 63-65, Column 8, lines 19-43). Kenner discloses that each individual user is routed to a delivery site that provides improved performance, which reduces network congestion (Column 6, lines 12-19).

12. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba in view of Noll and Kenner as applied to claim 17 above, and further in view of Tomsen (US 2002/0016965).

Regarding Claim 19, Gerba, Noll and Kenner disclose all the limitations of Claim 17. Gerba discloses a controller or processor is operative to route request data from the viewer in response to interactive broadcast to the Internet (Figure 1, 28). Gerba, Noll and Kenner are silent on routing to server for fulfillment. Tomsen discloses a method of conducting e-commerce over a transaction-enabled broadcast network (Figure 1, 100, 134, Figure 2, 200, 108, 134); the method comprising: a broadcast

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receiving device (Figure 1, 152, Figure 2, 152) interacting with broadcast content to a provider receiving request data or transaction data over the network from a viewer (Page 3, paragraph 0026, Page 4, paragraph 0035), the request data being transmitted by the viewer in response to the broadcast content; and routing the request data to a local server for fulfillment (Page 4, paragraph 0035). The head-end processes all content to be broadcast and broadcasting (Page 2, paragraphs 0016, 0022, Page 4, paragraphs 0023-0025) and processes all requests and routing of requests (Page 3, paragraph 0026), which is maintained by the provider or cable system operator, which meets the limitations of creating broadcast content for broadcast over the network at a at least one central system processor, broadcasting broad cast content from the at least one central system processor receiving request data at a at least one central system processor, routing request data from the at least one central system processor (Page 3, paragraphs 0023-0026). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the request data being transmitted by the viewer in response to the broadcast content; and routing the request data to a local server for fulfillment (Page 4, paragraph 0035) via the network (Figure 1, 134, Figure 2, 134) as taught by Tomsen in order to allow a user to shop while watching television without the potential of losing interest (Page 1, paragraphs 0003-0004) as disclosed by Tomsen.

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13. Claims 20, 22, 23, 25, 26 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable Gerba in view of Noll as applied to claim 1 above, and further in view of Daly et al (US 5,878,141 and hereafter referred to as "Daly").

Regarding Claim 20, Gerba discloses all the limitations of Claim 1. Gerba discloses purchasing items based on programming (Column 1, lines 21-44). Gerba discloses a transaction database (Figure 1, 26). Noll discloses that the data based on commerce conducted by the viewer over the network is collected (Page 9, paragraphs 0098, 0099, Page 10, paragraphs 0107, 0109). Gerba and Noll are silent on the data stored is based on commerce conducted by the viewer over the network. Daly discloses a broadcast receiving device (Figure 3, 46(1-m) operatively coupled to the network (Figure 3, 52, 54) and configurable to enable a viewer to interact with the broadcast (Figure 6, 208). Daly discloses a local network operator (Column 14, lines 23-25) operatively coupled to the network (Figure 4, 65, 42), comprising a controller (Figure 1, 74, Column 10, lines 60-63), the controller or purchasing is connected to a subscriber subsystem which includes data about the subscriber including financial information. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include a subscriber subsystem which includes data about the subscriber including financial information (Figures 4-7) as taught by Daly in order to allow a consumer to electronically pay for goods and services (Column 2, lines 40-42, 53-55) as disclosed by Daly.

Regarding Claim 22, Gerba, Noll and Daly disclose all the limitations of Claim 20. Daly discloses data based on commerce conducted by the viewer over the network is

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collected from a broadcast receiving device of the viewer (Figure 4, 84, 74, Figure 6, 212).

Regarding Claim 23, Gerba, Noll and Daly disclose all the limitations of Claim 22. Daly discloses broadcast receiving device comprises a set top box (Figure 3, 46(1-m), Figure 4, 46(1)).

Regarding claim 25, Gerba, Noll and Daly disclose all the limitations of Claim 20. Daly discloses that the stored data is accessible to a viewer over the network as the viewer must access the account in order to purchase items (Column 8, lines 63-67, Figure 6, Figure 7).

Regarding claim 26, Gerba and Daly disclose all the limitations of Claim 20. Daly discloses that the stored data is accessible to a network operator as a network operator of the head end is part of the commerce transaction and billing of the transaction (Column 14, lines 23-25).

Regarding Claim 31, Gerba and Noll discloses all the limitations of Claim 1. Gerba discloses purchasing items based on programming (Column 1, lines 21-44). Gerba and Noll silent on securely storing credit card information of the viewer. Daly discloses a broadcast receiving device (Figure 3, 46(1-m) operatively coupled to the network (Figure 3, 52, 54) and configurable to enable a viewer to interact with the broadcast (Figure 6, 208). Daly disclosed storing credit card system at the head server via the billing system and accounting system (Column 14, lines 4-10). Daly discloses that purchasing system or central system processor of a MSO (Figure 4, 74) for a secure communications of the purchase transaction needs a digital signature or certify

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authority or MSO (Column 14, lines 11-25) to perform transactions so that fraudulent transactions do not occur (Column 16, lines 33-45), which reads on securely storing the credit card account information. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include credit card information is securely stored (Column 14, lines 4-25, Column 16, lines 33-45) as taught by Daly in order to allow a consumer to electronically pay for goods and services (Column 2, lines 40-42, 53-55) and to prevent fraudulent transactions (Column 15, lines 37-39) as disclosed by Daly.

14. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba in view of Noll and Daly as applied to claim 20 above, and further in view of Tomsen.

Regarding Claim 21, Gerba, Noll and Daly disclose all the limitations of Claim 20. Gerba discloses purchasing items based on programming (Column 1, lines 21-44). Gerba discloses a transaction database (Figure 1, 26). Daly discloses the central system controller (Figure 4, 74) of a MSO (Column 14, lines 23-25) or purchasing system being operatively configurable to determine the user's spending allowance from determining purchase requests which include the product and total purchase amount (Figure 6 and Figure 7) and the purchasing system is also connected to the subscriber subsystem which includes data about the subscriber including financial information. Daly discloses the purchasing system determines from the purchase request details such as product and total price (Figure 6, 210). Daly discloses that subscriber database with personal account information about the subscriber (Column 10, lines 65-67) and

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has an index of information about each subscriber that might correspond to financial information about the purchase (Column 12, lines 19-24). Daly discloses explicitly discloses an index. Daly does not explicitly disclose that the controller tabulates or listing the purchase transactions or commerce transactions. Gerba, Noll and Daly are silent on tabulations of transactions.

Tomsen discloses a broadcast receiving device (Figure 1, 152, 2, 156 operatively coupled to the network (Figure 1, 134, Figure 2, 134) and configurable to enable a viewer to interact with the broadcast (Figure 4, Figure 5). Tomsen discloses a family safe, which displays a listing or tabulation of completed transactions, pending transaction. Tomsen discloses the family safe can be accessed from any suitable location (Pages 4-5, paragraph 0043).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include a table of purchasing history or commerce transactions occurring over the network (Figure 7, Page 4, paragraphs 0040, 0043) as taught by Tomsen in order to allow a user more convenience while shopping (Page 4, paragraph 0040-0042) as disclosed by Tomsen.

15. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba in view of Noll and Daly as applied to claim 20 above, and further in view Grauch et al (US 2005/0235318 and hereafter referred to as "Grauch").

Regarding Claim 24, Gerba, Noll and Daly disclose all the limitations of Claim 20. Gerba discloses purchasing items based on programming (Column 1, lines 21-44).

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Gerba discloses a transaction database (Figure 1, 26). Daly discloses the central system controller (Figure 4, 74) of a MSO (Column 14, lines 23-25) or purchasing system, which via the purchase mediator retrieves data based on commerce conducted by a viewer (Figure 4, Figure 5). Gerba, Noll and Daly are silent on collect data from the viewer during a period of low network load. Grauch discloses a system that retrieves or collects data from the set top box in which data is buffered at the set top box so that network traffic is not overloaded (Figure 1, Page 8, paragraph 0065-0066). Grauch discloses that the network management controller manages traffic over the network (Figure 4A, Figure 4B, Page 11, paragraph 0081). Grauch discloses that uploads will occur at a time when there is less burden on the network (Page 9, paragraph 0070). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination collect data from the viewer during a period of low network load (Page 9, paragraph 0070) as taught by Grauch in order to monitor viewer's viewing habits (Page 1, paragraph 0005) as disclosed by Grauch.

16. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba in view of Noll and Daly as applied to claim 20 above, and further in view Landesmann (US 2002/0053076).

Regarding Claim 27, Gerba, Noll and Daly disclose all the limitations of Claim 20. Daly discloses stored data about viewers and purchases are located in the subscriber subsystem at the headend (Figure 4). Gerba, Noll and Daly are silent on an advertiser



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accessing stored data. Landesmann discloses a database in which purchase behavior of a buyer is stored in a database (Figure 1, 15). Landesmann discloses that advertisers search for criteria in the database of past histories in order to track purchases (Page 6, paragraph 0110). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include an advertiser accessing stored data (Page 6, paragraph 0110) as taught by Landesmann in order to target customers with promotions or advertisements (Page 1, paragraphs 0003-0005, 007) as disclosed by Landesmann.

17. Claims 33, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomsen in view of Noll.

Regarding Claims 33 and 40, Tomsen discloses a retrofittable system for conducting e-commerce over a transaction-enabled broadcast network (Figure 1, Figure 7, Page 6, paragraph 0054), the system comprising, a broadcast receiving device (Figure 1, 152, 2, 156 operatively coupled to the network (Figure 1, 134, Figure 2, 134) and configurable to enable a viewer to interact with the broadcast (Figure 4, Figure 5). Tomsen discloses a local MSO operatively coupled to the network, (Page 3, paragraphs 0023-0026). Tomsen discloses the MSO process content and requests (Page 3, paragraphs 0023-0026). It is necessarily included that the MSO comprises a central system controller. Tomsen discloses a family safe, which displays a listing or tabulation of completed transactions, pending transaction and tabulation of data based on commerce activities (Pages 4-5, paragraph 0043). Tomsen discloses the family safe

can be accessed from any suitable location (Pages 4-5, paragraph 0043). Tomsen discloses a retrofittable system as the system is a broadcast system that is now capable of broadcasting programming and performing transactions (Figure 1, Figure 2, Figure 4, Figure 7). Tomsen discloses tabulating transactions but is silent on the MSO comprising a controller, which is configurable for the accounting of transactions occurring over the network, and that the tabulation involves collecting transactions data for network operators for commerce purposes. In analogous art, Noll discloses an apparatus for controlling interactive television offerings over a transaction enabled broadcast or system operator with a central system or network operations center (NOC) or local processor configurable for the accounting of transactions over the network and that the accounting involves collecting information about viewer transactions network operators for determining and accounting the transactions as the NOC processes the information (Page 3, paragraphs 0046-0048, Figure 17, Page 9, paragraph 0098, 0099, Page 10, paragraph 0106, 0107, Page 11, paragraph 0117, Page 5-6, paragraphs 0066, 0070, Figure 2a, 36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerba to include network operations center (NOC) or local processor collects information about viewer transactions for commerce purposes for operators (Page 3, paragraphs 0046-0048, Figure 17, Page 9, paragraph 0098, 0099, Page 10, paragraph 0106, 0107, Page 11, paragraph 0117, Page 5-6, paragraphs 0066, 0070, Figure 2a, 36) as taught by Noll for the benefit of targeting advertising and e-commerce material to the user (Page 1,

paragraphs 0008, 0002) and for determining account balances and transactional information (Page 9, paragraph 0099) as disclosed by Noll.

18. Claims 36, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba in view of Noll as applied to claim 35 above, and further in view of Tomsen (US 2002/0016965).

Regarding Claim 36, Gerba and Noll disclose all the limitations of Claim 35 respectively. Gerba discloses a controller or processor is operative to route request data from the viewer in response to interactive broadcast to the Internet (Figure 1, 28). Gerba and Noll are silent on routing to server for fulfillment. Tomsen discloses a method of conducting e-commerce over a transaction-enabled broadcast network (Figure 1, 100, 134, Figure 2, 200, 108, 134); the method comprising: a broadcast receiving device (Figure 1, 152, Figure 2, 152) interacting with broadcast content to a provider receiving request data or transaction data over the network from a viewer (Page 3, paragraph 0026, Page 4, paragraph 0035), the request data being transmitted by the viewer in response to the broadcast content; and routing the request data to a local server for fulfillment (Page 4, paragraph 0035). The head-end processes all content to be broadcast and broadcasting (Page 2, paragraphs 0016, 0022, Page 4, paragraphs 0023-0025) and processes all requests and routing of requests (Page 3, paragraph 0026), which is maintained by the provider or cable system operator, which meets the limitations of creating broadcast content for broadcast over the network at a at least one central system processor, broadcasting broad cast content from the at least one central

system processor receiving request data at a at least one central system processor, routing request data from the at least one central system processor (Page 3, paragraphs 0023-0026). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the request data being transmitted by the viewer in response to the broadcast content; and routing the request data to a local server for fulfillment (Page 4, paragraph 0035) via the network (Figure 1, 134, Figure 2, 134) as taught by Tomsen in order to allow a user to shop while watching television without the potential of losing interest (Page 1, paragraphs 0003-0004) as disclosed by Tomsen.

Regarding Claim 37, Gerba, Noll and Tomsen disclose all the limitations of Claim 36. Tomsen discloses the server is a local server (Figure 1, 122).

19. Claims 41, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carver in view of Noll.

Regarding Claim 41, Carver discloses a method of conducting e-commerce (Page 2, paragraph 0043, Pages 6-7, paragraph 0086, Pages 8-9, paragraph 0109) over a transaction-enabled broadcast network (Figure 1, 18, Figure 2, Figure 15); the method comprising: creating an advertisement comprising non interactive content or the origin of the content or advertisement is at the source system (Figure 1, 12, Page 3, paragraph 0050), the advertisement being broadcast over the network (Figure 1, 18, Figure 15) at an at least one central system controller including importers and the Interactive Advertising Service (IAS) (Figure 15, 30, Figure 3, 30, 50 and Figure 15, 60),

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which processes content (Page 3, paragraph 0051) of a MSO (Page 3, paragraph 0051, Page 4, paragraph 0055); and creating interactive content or creating additional data at the source system (Page 2, paragraph 0042, Page 3, paragraph 0050, Figure 1, 12); the interactive/additional content being selectively integrate with the non interactive content or the IAS enhances the advertisement or non interactive content (Page 7, paragraphs 0097, 0098, Pages 8-9, paragraph 0105, 109) according to a predetermined schedule or a specific time or placement schedules (Page 8, paragraph 0100) at the at least one central system controller, which processes content (Page 3, paragraph 0051) of a MSO (Page 3, paragraph 0051, Page 4, paragraph 0055); wherein the enhancing or integration is conducted selectively or based on user information (Page 8, paragraphs 0101, 0103, 0106, 0107) or advertiser agreement (Page 8, paragraph 0100, 0107). Carver is silent on the central system controller is collects information about viewer transactions for commerce purposes. In analogous art, Noll discloses an apparatus for controlling interactive television offerings over a transaction enabled broadcast or system operator with a central system or network operations center (NOC) or local processor collects information about viewer transactions for commerce purposes as the NOC processes the information (Page 3, paragraphs 0046-0048, Figure17, Page 9, paragraph 0098, 0099, Page 10, paragraph 0106, 0107, Page 11, paragraph 0117, Page 5-6, paragraphs 0066, 0070, Figure 2a, 36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerba to include network operations center (NOC) or local processor collects information about viewer transactions for commerce purposes (Page 3, paragraphs

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0046-0048, Figure 17, Page 9, paragraph 0098, 0099, Page 10, paragraph 0106, 0107, Page 11, paragraph 0117, Page 5-6, paragraphs 0066, 0070, Figure 2a, 36) as taught by Noll for the benefit of targeting advertising and e-commerce material to the user (Page 1, paragraphs 0008, 0002) and for determining account balances and transactional information (Page 9, paragraph 0099) as disclosed by Noll.

Regarding Claim 42, Carver and Noll disclose all the limitations of Claim 41. Carver discloses integrated content is selectively integrated (Page 8, paragraphs 0100, 0101, 0103, 0106) using a processor of the central system controller or IAS as the IAS is processing necessary functions (Figure 15, 60, Page 8, paragraphs 0101, 0103, 0106).

20. Claims 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carver in view of Noll as applied to claim 41 above, and further in view Blasko et al (US 2002/008344 and hereafter referred to as "Blasko").

Regarding Claim 43, Carver and Noll disclose all the limitations of Claim 41. Carver and Noll silent on time slots. Blasko discloses a system with a broadcaster or headend (Figure 1, Page 2, paragraph 0027) and advertisers or sources or originators (Figure 1, Page 2, paragraph 0025). Blasko discloses that there are avails or advertisement time slots available for purchase for an advertiser (Page 2, paragraph 0025, Page 1, paragraph 0005) or a predetermined schedule of programming is allocated into avails or time slots (Page 2, paragraph 0025; Page 1, paragraph 0005,

Page 4, paragraph 0045). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include a predetermined schedule of programming is allocated into avails or time slots (Page 2, paragraph 0025, Page 1, paragraph 0005, Page 4, paragraph 0045) as taught by Blasko in order to expedite the time slot management process and to be able to have targeted advertising (Page 1, paragraphs 0010, 0012, 0013) as disclosed by Blasko.

Regarding Claim 44, Carver, Noll and Blasko discloses all the limitations of Claim 43. Carver discloses a MSO (Page 3, paragraph 0051). Blasko disclose an advertiser purchases the time slots from a cable TV operator (Page 2, paragraphs 0016, 0025, 0027).

Regarding Claim 45, Carver and Noll disclose all the limitations of Claim 41. Carver discloses that integrated content is due to user preference and demographic information (Page 8, paragraph 0100, 0103, 0107). Carver and Noll are silent on integrated content is broadcast to a predetermined local market. Blasko discloses a system with a broadcaster or headend (Figure 1, Page 2, paragraph 0027) and advertisers or sources or originators (Figure 1, Page 2, paragraph 0025). Blasko discloses an advertiser or source (Page 2, paragraph 0025, Page 1, paragraph 0005) determines the advertisement to transmit to the headend for broadcasting over the network to subscribers based on geo-demographic characteristic and network territory or geographic region (Page 3, paragraph 0034, Page 5, paragraph 0054). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination that the headend broadcasts advertisement content to

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a predetermined local market ((Page 3, paragraph 0034, Page 5, paragraph 0054) as taught by Blasko in order to target advertising (Page 1, paragraphs 0010, 0013) as disclosed by Blasko.

21. Claims 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomsen (US 2002/0016965) in view of Noll.

Regarding Claim 46, Tomsen discloses a method of conducting e-commerce over a transaction-enabled broadcast network (Figure 1, 100, 134, Figure 2, 200, 108, 134); the method comprising: creating broadcast content or programming transmitted to subscribers (Page 2, paragraph 0016) comprising conventional content such as the television program and interactive advertising content (Page 2, paragraph 0022) broadcast over the network (Page 2, paragraph 0022) at a cable provider or MSO (Page 3, paragraphs 0023-0025); and selectively broadcasting the interactive content by way of a head-end according to a pre-specified agreement or a participating merchant list or agreement which the head-end can provide product supplemental information or interactive content to the viewer (Page 3, paragraph 0023). The head-end processes all content to be broadcast (Page 2, paragraphs 0016, 0022, Page 4, paragraphs 0023-0025) and also has a block list filter to filter content (Page 3, paragraph 0023), which is maintained by the provider or cable system operator, which meets the limitations of creating broadcast content for broadcast over the network at a at least one central system controller and selectively broadcasting interactive content by way of a central system controller from at least one central system processor of a multi service operator



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(Page 3, paragraphs 0023-0025). Tomsen is silent on the central system controller is capable of collecting information about viewer transactions for commerce purposes.

In analogous art, Noll discloses an apparatus for controlling interactive television offerings over a transaction enabled broadcast or system operator with a central system or network operations center (NOC) or local processor collects information about viewer transactions for commerce purposes as the NOC processes the information (Page 3, paragraphs 0046-0048, Figure 17, Page 9, paragraph 0098, 0099, Page 10, paragraph 0106, 0107, Page 11, paragraph 0117, Page 5-6, paragraphs 0066, 0070, Figure 2a, 36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerba to include network operations center (NOC) or local processor collects information about viewer transactions for commerce purposes (Page 3, paragraphs 0046-0048, Figure 17, Page 9, paragraph 0098, 0099, Page 10, paragraph 0106, 0107, Page 11, paragraph 0117, Page 5-6, paragraphs 0066, 0070, Figure 2a, 36) as taught by Noll for the benefit of targeting advertising and e-commerce material to the user (Page 1, paragraphs 0008, 0002) and for determining account balances and transactional information (Page 9, paragraph 0099) as disclosed by Noll.

Regarding Claim 47, Tomsen and Noll discloses all the limitations of Claim 46. Tomsen discloses that the agreement is made between a merchant or advertiser and MSO or provider (Page 3, paragraph 0023-0025).

Regarding Claim 48, Tomsen discloses a method of conducting e-commerce over a transaction-enabled broadcast network (Figure 1, 100, 134, Figure 2, 200, 108,

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134); the method comprising: creating broadcast content or programming transmitted to subscribers (Page 2, paragraph 0016) comprising conventional or advertising without interactive content (non participating merchants) (Page 3, paragraph 0023) and interactive advertising content (Page 2, paragraph 0022) at a cable provider or MSO (Page 3, paragraphs 0023-0025); broadcasting the broadcast content over the network (Page 2, paragraph 0022) from the at least one cable provider or MSO (Page 3, paragraphs 0023-0025); and receiving request data or transaction data over the network from a viewer (Page 3, paragraph 0026, Page 4, paragraph 0035) at the cable provider or MSO (Page 3, paragraph 0026), the request data being transmitted by the viewer in response to the broadcast content; and routing the request data to a local server for fulfillment (Page 4, paragraph 0035) from the at least one cable provider or MSO (Page 3, paragraphs 0026). The head-end processes all content to be broadcast and broadcasting (Page 2, paragraphs 0016, 0022, Page 4, paragraphs 0023-0025) and processes all requests and routing of requests (Page 3, paragraph 0026), which is maintained by the provider or cable system operator, which meets the limitations of creating broadcast content for broadcast over the network at a at least one central system processor, broadcasting broad cast content from the at least one central system processor receiving request data at a at least one central system processor, routing request data from the at least one central system processor (Page 3, paragraphs 0023-0026). Tomsen is silent on collecting information about the transaction for commerce purposes. In analogous art, Noll discloses an apparatus for controlling interactive television offerings over a transaction enabled broadcast or system operator with a

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central system or network operations center (NOC) or local processor collects information about viewer transactions for commerce purposes as the NOC processes the information (Page 3, paragraphs 0046-0048, Figure 17, Page 9, paragraph 0098, 0099, Page 10, paragraph 0106, 0107, Page 11, paragraph 0117, Page 5-6, paragraphs 0066, 0070, Figure 2a, 36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerba to include network operations center (NOC) or local processor collects information about viewer transactions for commerce purposes (Page 3, paragraphs 0046-0048, Figure 17, Page 9, paragraph 0098, 0099, Page 10, paragraph 0106, 0107, Page 11, paragraph 0117, Page 5-6, paragraphs 0066, 0070, Figure 2a, 36) as taught by Noll for the benefit of targeting advertising and e-commerce material to the user (Page 1, paragraphs 0008, 0002) and for determining account balances and transactional information (Page 9, paragraph 0099) as disclosed by Noll.

### ***Conclusion***

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH  
June 25, 2007

  
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